

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TINA LEEPER,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

CASE NO. C14-5369 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable John L. Weinberg, United States Magistrate Judge (Dkt. 20), and Plaintiff Tina Leeper’s (“Leeper”) objections to the R&R (Dkt. 21).

On November 11, 2014, Judge Weinberg issued the R&R recommending that the Court affirm the Administrative Law Judge’s (“ALJ”) finding that Leeper is not disabled. Dkt. 20. On December 1, 2014, Leeper filed objections. Dkt. 21. On December 15, 2014, the Government responded. Dkt. 22.

The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or

1 modify the recommended disposition; receive further evidence; or return the matter to the
2 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

3 In this case, Leeper's three objections are identical to the arguments she presented
4 to Judge Weinberg. *Compare* Dkt. 16 with Dkt. 21. First, Leeper contends that the ALJ
5 did not provide legally sufficient reasons to reject Dr. Bolton's opinion. Dkt. 21 at 1. An
6 ALJ may only reject a treating physician's contradicted opinions by providing "specific
7 and legitimate reasons that are supported by substantial evidence." *Ryan v. Comm'r of*
8 *Soc. Sec.*, 528 F.3d 1194, 1198 (9th Cir. 2008). The ALJ rejected Dr. Bolton's opinion
9 that Leeper was moderately to significantly impaired in her ability to engage in social
10 interactions because it was not supported by the record and it was not supported by Dr.
11 Bolton's own report. Tr. 25. Judge Weinberg found that the ALJ's reasons were
12 "specific, legitimate, and supported by substantial evidence in the record." Dkt. 20 at 8.
13 Leeper has failed to show that this finding is objectionable. The ALJ specifically
14 addressed the extent of Leeper's social interactions as well as why Dr. Bolton's own
15 report contradicted itself. Tr. 22, 25. Therefore, the Court adopts the R&R on this issue.

16 Second, Leeper contends that the ALJ did not provide clear and convincing
17 reasons for discrediting Leeper. Dkt. 21 at 4–6. As Judge Weinberg found, the Court
18 finds that the ALJ gave numerous clear and convincing reasons for discounting Leeper's
19 credibility. Tr. 22–23. Therefore, the Court adopts the R&R on this issue.

20 Third, Leeper contends that the ALJ did not provide sufficient reasons to reject the
21 opinion of nurse Coral Cates. Dkt. 21 at 6–7. On this issue, Judge Weinberg found that
22 Leeper did "not demonstrate harm" in the ALJ's assessment of Ms. Cates and that Leeper

1 failed to show that Nurse Cates's finding of impairments were "greater than those the
2 ALJ allowed for in [the residual functioning capacity]." Dkt. 20 at 6-7. Leepers fails to
3 show anything objectionable with Judge Weinberg's findings.

4 Therefore, the Court having considered the R&R, Leeper's objections, and the
5 remaining record, does hereby find and order as follows:

- 6 (1) The R&R is **ADOPTED**;
- 7 (2) The ALJ's decision is **AFFIRMED**; and
- 8 (3) This action is **DISMISSED**.

9 Dated this 14th day of January, 2015.

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11 BENJAMIN H. SETTLE
12 United States District Judge
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